

**Notice of Allowability**

Application No.

10/787,447

Applicant(s)

HOSODA ET AL.

Examiner

Wanda M. Negrón

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 1/22/2008.
2. ☒ The allowed claim(s) is/are claims 1 and 3 renumbered consecutively as claims 1 and 2.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☒ SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☒ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see pages 6-9, filed on 1/22/2008, with respect to claims 1 and 3 have been fully considered and are persuasive. The rejection of claims 1 and 3 has been withdrawn.

### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Douglas Holtz, Reg. No. 33,902, on February 4, 2008.

The application has been amended as follows:

- In claim 1, lines 9-10, please replace the recitation "*and then controls the driving unit*" with -- *and then starts a control* --.
- In claim 1, lines 13-14, please replace the recitation "*controls the driving unit*" with -- *starts the control* --.
- In claim 1, line 18, please replace the recitation "*wherein the control unit reads*" with -- *wherein when in the recording mode the control unit reads* --.

***Allowable Subject Matter***

**Claims 1 and 3 are allowed.**

The following is an examiner's statement of reasons for allowance:

Regarding **claims 1 and 3**, the relevant prior art fails to disclose or reasonably suggest a camera device comprising an optical system; a driving unit which drives the optical system; a control unit which (i) when the camera device is started up in a state in which a recording mode for photographing is set, controls the driving unit to move the optical system to a predetermined state *by an initialization processing based on a startup program which does not comprise an operating system and then controls the driving unit based on a control program comprising the operating system*, and (ii) when the camera device is started up in a state in which a playback mode for display is set, controls the driving unit based on the control program comprising the operating system without moving the optical system to the predetermined state by the initialization processing based on the startup program; and a memory which stores the startup program and the control program, wherein, when in the recording mode, the control unit reads the startup program from the memory, starts to move the optical system to the predetermined state by the initialization processing based on the startup program, and then reads the control program from the memory without waiting for the optical system to reach the predetermined state.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Okada et al. (US Patent No. 7,129,984 B1) discloses a method for controlling a digital camera having a collapsible barrel wherein the collapsible barrel is driven in parallel to start of an OS.
- Kim et al. (US Patent No. 6,487,656 B1) discloses a method comprising interfacing an interface module to the system BIOS and receiving a request from the system BIOS to perform a task.
- Hirasawa (US Patent No. 5,424,776) discloses a lens control device for performing focusing during lens initialization.
- Schelling (US Patent No. 6,766,474 B2) discloses a BIOS of a multiple processor system which passes partial control to the operating system following an abbreviated power-on initialization.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571)

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270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm  
alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622  
February 4, 2008

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ  
SUPERVISORY PATENT EXAMINER